

Atty. Dkt. No. 039153-0448 (G1153) #1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lukanc et al.
Title: METHOD OF ENHANCING CLEAR
FIELD PHASE SHIFT MASKS
WITH CHROME BORDER
AROUND PHASE 180 REGIONS
Appl. No.: 10/016,710
Filing Date: 12/11/2001
Examiner: Unknown
Art Unit: Unknown

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below. <u>Deborah A. Kocorowski</u> (Printed Name) <u>Deborah A. Kocorowski</u> (Signature) <u>September 17, 2003</u> (Date of Deposit)
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**PETITION FOR REVIVAL OF APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

After submitting a nonpublication request with the above-referenced application upon filing, the application became abandoned under operation of law for failure of Applicants to timely and properly notify the Office of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing. Accordingly, this petition is being filed as a protective measure to ensure that any patent that may issue or has issued from the above-referenced application will not be invalid and/or unenforceable due to Applicants' failure to file the appropriate notice.

APPLICANTS HEREBY PETITION FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Required reply and/or fee;
- (2) Petition fee (37 C.F.R. § 1.17(m));
- (3) Statement that the abandonment was unintentional; and
- (4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

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OFFICE OF PETITIONS

(1) Required reply and/or fee.

The proposed reply for the above-referenced notification in the form of a Request to Rescind Previous Nonpublication Request 35 U.S.C. 122(b)(2)(B) is enclosed herewith.

(2) Petition fee (37 C.F.R. § 1.17(m))

A check in the amount of \$1,300.00 is enclosed for the amount stated in 37 C.F.R. § 1.17(m) to cover the fee for this petition.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

(3) Statement that the abandonment was unintentional.

Specifically, on December 9, 2002, Assignee's legal department filed an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing. Assignee's legal department inadvertently failed to notify outside counsel of the filing. Accordingly, a request to rescind the non-publication request was not filed.

Accordingly, Applicants wish to revive the above-referenced application in light of counsel's unintentional failure to file the appropriate notice of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing.

(4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

Respectfully submitted,

Date

9.16.03

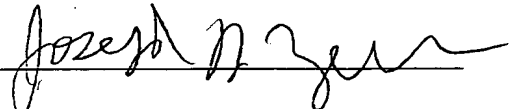
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By



Joseph N. Ziebert
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Registration No. 35,421



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REQUEST TO RESCIND PREVIOUS NONPUBLICATION REQUEST

35 U.S.C. 122(b)(2)(B)

Mail Stop PGPUB
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants hereby rescind the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

Applicants furthermore hereby provide the notice to the Patent Office required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 C.F.R. 1.213(c) that an application directed to the invention disclosed in the above-identified application was submitted in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing. This notice was intended to be provided within forty-five days after the date of the filing of such foreign or international application, but is after the forty-five days for the reasons described in the attached Petition to Revive.

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SEP 25 2003

OFFICE OF PETITIONS

Respectfully submitted,

Date 9-16-03

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